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2011 JUN -2 PM 4: 13

SANDRA K MARKHAM

BY: Kelly Gresham

5 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

6 **IN AND FOR THE COUNTY OF YAVAPAI**

7 **STATE OF ARIZONA,**

**CAUSE NO. P1300CR201001325**

8 Plaintiff,

**STATE'S REPLY RE: TRIAL IN  
PRESCOTT**

9 vs.

10 **STEVEN CARROLL DEMOCKER,**

Assigned to Hon. Warren R. Darrow  
Division PTB

11 Defendant.

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14 The State of Arizona, by and through Sheila Sullivan Polk, Yavapai County Attorney, and  
15 her deputy undersigned replies to defendant's response regarding holding trial in Prescott instead of  
16 in the Verde Valley. The defendant mis-states this Court's ruling on May 2, 2011.

17  
18 At the time the Court denied the State's motion to transfer the trial to Prescott, it did not  
19 preclude reconsideration of the issue. The Court stated it would allow the State the opportunity to  
20 re-visit the issue.

21 *Yavapai County Superior Court local Rule 1.2(b)* enumerates what cases are eligible for the  
22 Verde Valley Judicial District. None of the qualifying factors pursuant to Rule 1.2(b) justify holding  
23 this trial in the Verde Valley Judicial District. Under local rules the court must grant the State's  
24 motion to transfer this case to the Prescott Judicial District. Since this is a motion for  
25 reconsideration, *Yavapai County Superior Court, Local Rule 1.2 (C)(3)* barring a reply is not  
26 applicable.

1 The Court must consider the location of the events which the alleged cause of action arose;  
2 location of the residences of the parties involved; location of the parties' respective counsel; the  
3 number and convenience of the parties' witnesses; and the financial impact of the litigation on the  
4 parties and witnesses. *See Local Rule 1.2 (C)(4)*. In addition, the majority of the Yavapai County  
5 Sheriff's personnel who investigated this matter are assigned in Prescott.

6  
7 **CONCLUSION**

8 *Yavapai County Superior Court local Rule 1.2(b)* precludes the trial being held in the Verde Valley  
9 Judicial District. The defendant has not presented a colorable objection to the State's motion.

10  
11 **RESPECTFULLY SUBMITTED** this 2nd day of June, 2011.

12  
13  
14  
15 **Sheila Sullivan Polk**  
**YAVAPAI COUNTY ATTORNEY**

16  
17 By: 

18 **Jeffrey G. Paupore**  
Deputy County Attorney

19 **COPY** of the foregoing **emailed** this  
20 2<sup>nd</sup> day of June, 2011, to:

21 Honorable Warren R. Darrow  
22 Division 6  
23 Yavapai County Superior Court  
Via email to Diane Troxell: [DTroxell@courts.az.gov](mailto:DTroxell@courts.az.gov)

24 Craig Williams  
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